

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINARECEIVED
U.S. CLERK, CHARLESTON, S.C.
2008 DEC 18 P 12:11

Tron E. Anderson, #291701,)
Petitioner,) Civil Action No. 8:08-3295-SB
v.)
Warden McKither Bodison,)
Respondent.)

)

ORDER

This matter is before the Court on the pro se Petitioner's request for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Pursuant to Local Rule 73.02(B)(2)(a), this matter was referred to United States Magistrate Judge Bruce Howe Hendricks for preliminary review.

On October 10, 2008, the Magistrate Judge issued a report and recommendation ("R&R") analyzing the issues and recommending that the case be re-characterized as a habeas petition pursuant to 28 U.S.C. § 2255. Attached to the R&R was a notice advising the Petitioner of his right to file specific, written objections to the R&R within ten days of service of the R&R.

On October 20, 2008, the Petitioner filed a motion for an extension of time to file objections, which the Court granted in an order filed on October 21, 2008. In the order, the Court granted the Petitioner an additional thirty (30) days from the date of the order within which to file his objections. To date, no such objections have been filed.


Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriner's Hosp., 109 F.3d

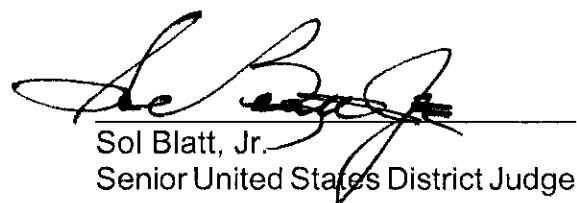
198, 201 (4th Cir. 1997). Here, because the Petitioner filed no objections to the R&R, there are no portions of the R&R to which the Court must conduct a de novo review.

Accordingly, the Court hereby adopts the Magistrate Judge's R&R as the Order of this Court, and it is

ORDERED that the present case is re-characterized as a 28 U.S.C. § 2255 motion.

Having re-characterized the motion as a § 2255 motion, the Court directs the Clerk of Court to file this motion in Anderson's criminal case (No. 1:03-cr-1140-MBS).

IT IS SO ORDERED.



Sol Blatt, Jr.
Senior United States District Judge

December 18, 2008
Charleston, South Carolina

